

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK EVAN O'DELL,)
Plaintiff(s),) No. C 08-0756 CRB (PR)
vs.) ORDER
JEFFERY ZWERIN, D.O., et al.,) (Docket # 47)
Defendant(s).)

Plaintiff's request (docket # 47) for an order continuing the time and changing the location of his scheduled deposition is DENIED as premature. The court will not entertain discovery motions unless the parties first comply with the meet-and-confer requirements of the Federal Rules of Civil Procedure and the Court's Local Rules. See, e.g., Fed. R. Civ. P. 37(a) (motion to compel must include a certification that the movant has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without court action); Civ. L. R. 37-1 (same). In view of plaintiff's alleged medical condition, the parties may satisfy the meet-and-confer requirements by letter or telephone conversation. Cf. Civil L. R. 1-5(n) ("meet and confer" or "confer" means to communicate directly and discuss in good faith

1 the issue(s); mere sending of a written, electronic or voice-mail communication
2 does not satisfy a requirement to "meet and confer" or to "confer;" requirement
3 can be satisfied only through direct dialogue and discussion – either in a face to
4 face meeting or in a telephone conversation).

5 SO ORDERED.

6 DATED: Feb. 03, 2011


CHARLES R. BREYER
United States District Judge